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17

18 **UNITED STATES DISTRICT COURT**  
19 **SOUTHERN DISTRICT OF CALIFORNIA**

20 UNITED STATES OF AMERICA,

21 Plaintiff,

22 vs.

23 LARRY NELSON,

24 Defendant.  
25

} Case No: **'19CV1087 CAB WVG**

} **COMPLAINT**

} *Demand for Jury Trial*  
26

27 The United States of America ("United States") alleges as follows:  
28

1           1.     The United States brings this action to enforce the provisions of Title  
2 VIII of the Civil Rights Act of 1968, as amended, 42 U.S.C. §§ 3601, *et seq.* (“the  
3 Fair Housing Act”).

#### 4                                   **JURISDICTION AND VENUE**

5           2.     This Court has jurisdiction over this action under 28 U.S.C. §§ 1331  
6 and 1345, and 42 U.S.C. § 3614(a).

7           3.     Venue is proper under 28 U.S.C. § 1391 because the events giving rise  
8 to the United States’ claims occurred in this District and the Defendant does  
9 business in this District.

#### 10                               **THE DEFENDANT AND RELEVANT PROPERTIES**

11          4.     Defendant Larry Nelson (“Nelson”) is a resident of Spring Valley, an  
12 unincorporated area in San Diego County, California. At all times relevant to this  
13 action, Nelson has owned and operated multi-family residential rental properties in  
14 Spring Valley, including the Grand Avenue Property and the Harness Street  
15 Property described below. Nelson may own and operate, or have owned and  
16 operated, other multi-family residential rental properties in this District.

17          5.     The Grand Avenue Property is a four-unit residential property located  
18 at 832 Grand Avenue in Spring Valley, California. At all times relevant to this  
19 action, Nelson owned the Grand Avenue Property and operated it as rental housing.

20          6.     The Harness Street Property is a four-unit residential property located at  
21 9200 Harness Street in Spring Valley, California. At all times relevant to this action,  
22 Nelson owned the Harness Street Property and operated it as rental housing.

23          7.     At all times relevant to this action, Nelson controlled all aspects of the  
24 rental, management, and operation of his residential rental properties, including the  
25 Grand Avenue Property and the Harness Street Property. His responsibilities  
26 included, but were not limited to, finding prospective tenants, accepting or rejecting  
27 applicants for housing, setting rental rates and security deposits, collecting rent and  
28 security deposits, receiving requests for maintenance and repairs, arranging

1 maintenance and repairs, communicating with tenants regarding late rental  
2 payments, and evicting tenants.

3 8. The Grand Avenue Property and the Harness Street Property are  
4 “dwellings” within the meaning of 42 U.S.C. § 3602(b).

5 **FACTUAL ALLEGATIONS**

6 9. Since at least 2005, Nelson has subjected tenants of his residential  
7 rental properties, including the Grand Avenue Property and the Harness Street  
8 Property, to unlawful sex discrimination, including severe, pervasive, and  
9 unwelcome sexual harassment. Nelson’s conduct has included, but is not limited to:

- 10 a. Making unwelcome sexual advances to female tenants;  
11 b. Making unwelcome, sexually explicit comments to, and in front of,  
12 female tenants;  
13 c. Asking or attempting to touch female tenants or touching female  
14 tenants, including on intimate areas of their bodies, without their  
15 consent;  
16 d. Exposing his genitals to female tenants without their consent;  
17 e. Peeping through bedroom windows of his female tenants;  
18 f. Making unannounced visits to female tenants’ homes when he had  
19 no legitimate reason to do so in order to conduct and further his  
20 sexual advances;  
21 g. Entering or attempting to enter female tenants’ homes without their  
22 consent;  
23 h. Demanding that female tenants not have male guests in their homes;  
24 i. Offering to grant female tenants tangible benefits—such as  
25 continued tenancy, waived or reduced rent, or excused late or unpaid  
26 rent—in exchange for sexual favors; and  
27  
28

- 1           j. Retaliating against female tenants for refusing his advances by  
2           taking adverse housing actions, such as evicting them or threatening  
3           to evict them.

4           10. The instances of Nelson's sex discrimination as described above were  
5           not isolated instances. Rather, Nelson engaged in a longstanding pattern or practice  
6           of illegal sexual harassment of female tenants over the entire course of his  
7           ownership and operation of his rental properties. For example:

- 8           a. To one female tenant who lived at the Harness Street Property in  
9           2005, Nelson asked multiple times in explicit terms to engage in  
10           sexual activity in exchange for forgiving or reducing her rent. The  
11           tenant refused his demands. To the same tenant, Nelson made  
12           multiple unwelcome comments about her breasts. He also peeped in  
13           the bedroom windows of the rooms in her home on multiple  
14           occasions where she and her female daughters and nieces slept; on  
15           one of these occasions, he peeped in the windows while a minor  
16           child was changing clothes and saw her nude.
- 17           b. To another female tenant who lived at the Grand Avenue Property in  
18           2008, Nelson made repeated offers to exchange sexual favors for  
19           rent. On multiple occasions, Nelson told the tenant that she could  
20           pay approximately half her monthly rent if she had sex with him,  
21           and that she did not have to pay anything if she had sex with him  
22           without a condom. After the tenant had repeatedly refused Nelson's  
23           requests, Nelson evicted her.
- 24           c. To another female tenant who lived at the Harness Street Property in  
25           2018, Nelson showed a pornographic video without her consent;  
26           exposed his genitals to her without her consent; made frequent,  
27           unwanted, sexually suggestive comments; made comments  
28           indicating he had gone through her laundry looking for her

underwear; and peeped through the bedroom window in her apartment.

### CAUSES OF ACTION

11. The allegations above are incorporated herein by reference.
12. By his conduct, described above, Defendant Larry Nelson has:
  - a. Refused to rent or to negotiate for the rental of, or otherwise made unavailable or denied a dwelling because of sex, in violation of 42 U.S.C. § 3604(a);
  - b. Discriminated in the terms, conditions, or privileges of the rental of a dwelling, or in the provisions of services or facilities in connection therewith, because of sex, in violation of 42 U.S.C. § 3604(b);
  - c. Made statements with respect to the rental of a dwelling that indicate a preference, limitation, or discrimination based on sex, or an intention to make any such preference, limitation, or discrimination, in violation of 42 U.S.C. § 3604(c); and
  - d. Coerced, intimidated, threatened, or interfered with persons in the exercise or enjoyment of, or on account of their having exercised or enjoyed, their rights granted or protected by the Fair Housing Act, in violation of 42 U.S.C. § 3617.
13. Defendant Larry Nelson's conduct and actions described above constitute:
  - a. A pattern or practice of resistance to the full enjoyment of the rights granted by the Fair Housing Act, in violation of 42 U.S.C. § 3614(a); and
  - b. A denial to a group of persons of rights granted by the Fair Housing Act, which denial raises an issue of general public importance, in violation of 42 U.S.C. § 3614(a).



the future, and to eliminate, to the extent practicable, the effects of the Defendant's unlawful housing practices;

3. Awards monetary damages to each aggrieved person, pursuant to 42 U.S.C. § 3614(d)(1)(B); and

4. Assesses a civil penalty against Defendant Larry Nelson to vindicate the public interest, pursuant to 42 U.S.C. § 3614(d)(1)(C).

The United States further requests such additional relief as the interests of justice may require.

Dated: June 11, 2019

Respectfully submitted,

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